

From: Alex Goldfinger
To: Microsoft ATR
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The trial judge in his Finding of Facts, enumerated the chronology of the Microsoft actions and showed he understood the essence of the matter when he stated that the control of the API's was at the heart of Microsoft's actions.

In any settlement or court order, the matter of who owns and controls the API's must address how that entity will not have the same motivations, as Microsoft previously did, to use its position to demand exclusive use of them and be absolutely prevented from doing so.

Splitting up Microsoft therefore is not a solution to the API problem, as whichever follow-on entity owns the API's will have the same power and incentives to use it as the present company does.

You might consider that as a penalty, Microsoft lose the API's which will be put in some form of public domain or control, whether or not this is Open Source is less important than that Microsoft lose control.

Alex Goldfinger
2306 Edgewood Terrace
Scotch Plains, NJ 07076